



Attorney Docket No.: 59807 (47793)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Yasunori Fukumitsu, et al.

U.S.S.N.: 10/649,228

ART UNIT: Not Yet Assigned

FILED: August 26, 2003

EXAMINER: Not Yet Assigned

FOR: A DATA TRANSFERRING APPARATUS FOR TRANSFERRING LIQUID  
EJECTION DATA AND A LIQUID EJECTING APPARATUS

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**CERTIFICATE OF EXPRESS MAIL (Mail Label No.: EV 342614246 US)**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on October 22, 2003 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Nicole McKinnon  
Nicole M. McKinnon

\*\*\*\*\*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF FORMAL DRAWINGS**

Dear Sir:

Attached please find:

- (a) the formal drawing(s) (Figs. 1-13) for this application.  
Number of Sheets [13]; and
- (b) Return Postcard

Respectfully submitted,

Date: October 22, 2003  
Customer No. 21874  
352248

John J. Penny, Jr.  
John J. Penny, Jr.  
(Reg. No.: 36,984)  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, Massachusetts 02209



12-11-03

*[Handwritten signature]*

Docket No.: 59807 (47793)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Yasunori FUKUMITSU, et al.  
U.S.S.N. 10/649,228 Group No.: 2182  
Filed: August 26, 2003 Examiner: Not Yet Assigned  
For: A DATA TRANSFERRING APPARATUS FOR TRANSFERRING  
LIQUID EJECTION DATA AND A LIQUID EJECTING APPARATUS

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMPLETION OF FILING REQUIREMENTS  
— NONPROVISIONAL APPLICATION —**

*(check and complete this item, if applicable)*

- I. ☒ This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed from the patent office on November 20, 2003.

*NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.*

- ☒ A copy of the Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) is enclosed.

*NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.*

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**CERTIFICATE OF EXPRESS MAILING (37 C.F.R. § 1.10)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING (LABEL NO.: EV 317947777 US)**

**FACSIMILE**

- ☒ deposited with the United States Postal Service with sufficient postage as U.S. mail in an envelope addressed to the Commissioner for Patents, Mail Stop MISSING PARTS, Box 1450, Alexandria, VA 22313-1450.

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: Dec. 9, 2003

Signature Nicola M. McKinnon  
Nicola M. McKinnon

## DECLARATION OR OATH

II. ☒ Enclosed is the executed declaration or oath for this application.

*NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. § 1.48(f)(1).*

OR

☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

*NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.*

*NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. § 1.63:*

*"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);*

*"(2) name of inventor(s), serial number and filing date;*

*"(3) name of inventor(s) and attorney docket number which was on the specification as filed;*

*"(4) name of inventor(s), title which was on the specification as filed and filing date;*

*"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

*"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."*

*Notice of Jul. 13, 1995 (1177 O.G. 60); M.P.E.P. § 601.01(a), 6th ed., rev. 3.*

*NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. § 1.10(c).*

*(complete (c) or (d), if applicable)*

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

### AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims \_\_\_\_\_ inclusive.

### TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. § 1.69(b).*

*NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. § 1.52(d).*

### SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity  
(check and complete applicable items)

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_ (original).

### COMPLETION FEES

#### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. § 1.53.

#### 1. Filing fee

☐ original patent application  
(37 C.F.R. § 1.16(a)--\$760.00; small entity--\$380.00) \$ \_\_\_\_\_

☐ design application  
(37 C.F.R. § 1.16(f)--\$310.00; small entity--\$155.00) \$ \_\_\_\_\_

2. Fees for claims

☐ each independent claim in excess of 3  
(37 C.F.R. § 1.16(b)--\$78.00; small entity--\$39.00) \$ \_\_\_\_\_

☐ each claim in excess of 20  
(37 C.F.R. § 1.16(c)--\$18.00; small entity--\$9.00) \$ \_\_\_\_\_

☐ multiple dependent claim(s)  
(37 C.F.R. § 1.16(d)--\$260.00; small entity--\$130.00) \$ \_\_\_\_\_

3. Surcharge fees

☐ late payment of filing fee  
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ \_\_\_\_\_

*and/or*

☒ late filing of original declaration or oath  
(37 C.F.R. § 1.16(e)--\$130.00; small entity--\$65.00) \$ 130.00

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, only one surcharge fee for both need be paid. 37 C.F.R. § 1.16(e).*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. §§ 1.17(i) and 1.47--\$130.00) \$ \_\_\_\_\_

5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. §§ 1.17(k) and 1.52(d)--\$130.00) \$ \_\_\_\_\_

6. ☐ Fee for processing and retention of application  
(37 C.F.R. §§ 1.21(l) and 1.53(d)--\$130.00) \$ \_\_\_\_\_

7. ☒ Assignment (See "ASSIGNMENT COVER SHEET") \$ 40.00

*NOTE: 37 C.F.R. § 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. § 1.53(f) and this, as well as, the changes to 37 C.F.R. § 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either*

the basic filing fee or the processing and retention fee of § 1.21(l) within 1 year of notification under § 1.53(f) must be paid.

**TOTAL COMPLETION FEES**                      \$ 170.00

**EXTENSION OF TIME**

**VII.**

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$190.00
<input type="checkbox"/> three months	\$ 870.00	\$435.00
<input type="checkbox"/> four months	\$1,360.00	\$680.00

Fee \$ 00.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request                      \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

**VIII.**

THE TOTAL FEE DUE IS

COMPLETION FEE(S) \$ 170.00

EXTENSION FEE (IF ANY) \$ \_\_\_\_\_

TOTAL FEE DUE \$ 170.00

**PAYMENT OF FEES**

**IX.**

☒ Enclosed is a check in the amount of \$ 170.00.

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. § 1.22(b).*

Please change Account No. 04-1105 for any fees which may be due by this paper.

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**X.**

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).*

☐ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 04-1105.

☐ 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

☐ 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5)(extension fees pursuant to § 1.136(a).
- ☐ 37 C.F.R. § 1.17 (application processing fees)

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).*

- ☐ 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

*NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. § 1.311(b).*

*NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*



## VI. OTHER ENCLOSURES

### A. Formal Drawings

Applicant submits herewith a copy of the Submission of Formal Drawings and Formal Drawings that were filed on October 22, 2003. Applicant submits that these formal drawings overcome the deficiencies noted in the dated Notice to File Missing Parts of Nonprovisional Application dated November 20, 2003.


### B. Notice of Incomplete Reply

Applicant also submits herewith a copy of the Notice of Incomplete Reply dated November 20, 2003. The Notice of Incomplete Reply indicates that the Reply filed on October 22, 2003 in response to the Notice to File Missing Parts mailed on November 18, 2003 is incomplete because it did not include an Oath/Declaration. The Notice of Incomplete Reply is in **error** because Applicants did not file a Response to a Notice to File Missing Parts on October 22, 2003. Rather, Applicant submitted Formal Drawings on October 2, 2003. Further, the date of Submission of Formal Drawings is dated one month **before** the Notice to File Missing Parts. Nevertheless, Applicant submits that the formal drawings filed on October 22, 2003 and the Declaration submitted herewith satisfy the missing elements identified in the Notice to File Missing Parts dated November 20, 2003.

Respectfully submitted,

Date: December 9, 2003

Customer No. 21874



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